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PART-IIA

GOVERNMENT OF MEGHALAYA

NOTIFICATIONS

The 16th May, 2019.

No.LBG.20/08/571. - Whereas Messrs the Meghalaya Co-operative Apex Bank Limited, Shillong (herein after referred to as the said establishment) has applied for exemption under clause (a) of Sub-Section (1) of Section 17 of the Employees' Provident funds and Miscellaneous Provisions Act, 1952 (19 of 1952) herein after referred to as the said Act.

AND WHEREAS in the opinion of the State Government the rules of the Provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provident under the said Act or under the Employees' Provident Funds Schemes 1952 (herein after referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

NOW, THEREFORE, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the schedule annexed hereto, the State Government hereby exempts the said establishment from the operation of all the provision of the said Scheme for a period with effect from **29th May, 2019 to 28th May, 2022.**

THE SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of Section 17 of said Act within 15 days from the close of every month.
2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said scheme framed there under.
3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the employees Provident Fund Scheme, 1952.
4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No, amendment of the rules of the

Provident Fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees (as defined in Section 2(f) of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.
6. Where an employee who is already a member of the Employees' Provident Fund (statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the Provident Fund account of such employees with his previous employer transferred and credited to his account.
7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government as the case may be, from time to time.
8. The Provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation *inter-alia* for proper accounts of the receipts into and payment from the Provident Fund and the balances in their custody.
9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.
10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.
11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within 6 months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st March.
12. The employer shall transfer to the Board of Trustees the contributions payable to the provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.
13. The Board of Trustees shall invest the moneys in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a schedule Bank under the Control of the Reserve Bank of India.
14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.
15. The Board of Trustees shall maintain a script wise register and ensure timely realization of interest and redemption proceeds.
16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employees.

17. The Board shall issues an annual statement of account to every employee within six months of the close of financial/accounting year.
18. The Board may, instead of the annual statement of accounts, issue pass books to every employee. These pass books shall remain in the custody of the employees and will be brought upto date by the Board on presentation by the employees.
19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such not be lower than the rate declared by the Central Government under para 60 of the said scheme.
20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.
21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.
22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribed from time to time.
23. If the Provident Fund rules, of the establishment provide for forfeiture of the employers' contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purpose as may be determined with the prior approval of the Central Provident Fund Commissioner.
24. Notwithstanding anything contained in the rules of the Provident Fund of the establishment, if the amount payable to any member upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer and employees' contribution plus interest thereon taken together with the amount, if any payable under the gratuity or pension rules be less than the amount that would be payable as employer's and employees' contributions plus interest thereon if he were a member of the provident Fund under the said scheme, the employer shall pay the difference to the member as compensation or special contribution.
25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.
26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.
27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.
28. The employee shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.
29. The exemption is liable to be cancelled for violation of any of the above conditions.

D. P. WAHLANG,
Principal Secretary to the Govt. of Meghalaya,
Labour Department.

The 21st May, 2019.

OFFICE MEMORANDUM

Subject:- Entitlement of Allowances during leave/Maternity Leave.

No.FEG.22/2002/193. - Consequent upon the decision taken by the Government on the recommendation of the Fifth Meghalaya Pay Commission where the Maternity Leave provided under SR 111(1) of the Meghalaya Fundamental Rules & Subsidiary Rules, 1984 has been enhanced from the existing ceiling of 120 days to 180 days *vide* O.M. No.F(PR)-76/2017/21, dated 8th December, 2017, the Governor of Meghalaya is pleased to extend the admissibility of **Compensatory Allowance and House Rent Allowance** during Maternity Leave from 4 (four) months to 180 days under SR 18(1) and SR 19 (a)(i) of the Meghalaya Fundamental Rules & Subsidiary Rules, 1984 respectively.

Formal Amendment to Meghalaya Fundamental Rules & Subsidiary Rules, 1984 will be done in due course.

This has the approval of the **Competent Authority**.

P. K. AGRAHARI,

Secretary to the Government of Meghalaya,
Finance (Establishment) Department.

The 30th May, 2019.

OFFICE MEMORANDUM

Subject:- Dearness Allowance/Dearness Relief.

No.F(PR)-53/2017/27. - The undersigned is directed to refer to this Department's O.M. No.F (PR)-53/2017/24, dated 21st November, 2018 and to say that the Governor of Meghalaya is pleased to decide that the Dearness Allowance/Dearness Relief payable to all categories of State Government employees/pensioners and family pension holders shall be enhanced from the existing rate of 5% to 7% with effect from 1st January, 2019.

2. These orders shall also apply to the members of the work-charged establishment and casual workers, other than Bungalow Peons, holding posts in the pay levels as admissible to the employees of corresponding categories under the regular establishment/services/posts.
3. The Dearness Relief under these orders shall remain suspended if the pensioners/family pensioners are employed/re-employed under the State/Central Government or employed/re-employed/permanently absorbed in the State's or Central Government's Company, Corporation, Undertaking or Autonomous Body. It shall, however, be revived after the spell of such employment/re-employment.
4. The payment on account of Dearness Allowance/Dearness Relief involving fractions of 50 paise and above may be rounded off to the next higher rupee and the fraction of less than 50 paise may be ignored.
5. The payment on account of the Dearness Allowance/Dearness Relief sanctioned herein shall be debited to the respective heads of accounts from which the employees draw their salary and the pensioners/family pension holders, their pension.

P. K. AGRAHARI,

Secretary to the Govt. of Meghalaya,
Finance Department.

The 14th May, 2019.

No.EDN.248/2012/92. - The Governor of Meghalaya is pleased to enhance the Grant-in-Aid to 15 (fifteen) Night/Morning Adhoc Secondary schools in the State as follows:-

- 1) Upper Primary & Secondary School - ₹ 40,000/- per month.
- 2) Secondary School - ₹ 20,000/- per month.

D. P. WAHLANG,
Principal Secretary to the Govt. of Meghalaya,
Education Department.